

SUMMARY OF INTERVIEW

Exhibits and/or Demonstrations

Nathalie Zammatteo from Eppendorf Array Technologies, the assignee of the present application, presented, the brochure from the Licensee Active Motif of the presently claimed invention (Newsletter, February 2006, volume 7, number 1, page 5), sales progress of TranAM plates from 2000 to 2006 and Results regarding sensitivity and specificity of the claimed kit .

Identification of Claims Discussed

Claims 27-33 and 35-38.

Identification of Prior Art Discussed

Peterson et al. (US 5,563,036), Hibma et al. (1994 *Nucl. Acids Res.* 22:3806-3807).

Proposed Amendments

The Applicant proposed amending Claims 27 and 36 to specify that the claimed kit is for screening and/or quantification of activated transcriptional factors.

Principal Arguments and Other Matters

Applicant's representative, Dan Hart, argued that Peterson et al. (5,563,036) describe assays for screening for drugs which interfere with sequence-specific protein-DNA binding. Many transcription factors bind to DNA in both the active and inactive form. Rather than detecting the activation state of the transcription factors, Peterson is directed to assessing the ability of a candidate drug to affect the degree to which a labeled transcription factor binds to its cognate sequence. Thus, there is no teaching or suggestion in Peterson of a kit comprising a solid support comprising a DNA sequence which binds an activated transcription factor and a primary antibody or a specific hypervariable region thereof which is specific for the activated form of the transcription factors.

The Hibma reference describes an ELISA based assay for detecting the binding of a transcription factor to its cognate DNA sequence using antibodies directed to the transcription factor. The transcription factor in Hibma is purified and this form is by definition not activated through post translational modification or the association with cofactors, as observed in stimulated cells. There is no teaching or suggestion in Hibma of using antibodies specific for the activated form of the transcription factor. Thus, there is no teaching or suggestion in Hibma of a kit comprising a solid support comprising a DNA sequence which binds an activated

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transcription factor and a primary antibody or a specific hypervariable region thereof which is specific for the activated form of the transcription factors.

Results of Interview

The Examiner acknowledged that the proposed claim amendments would likely overcome the obviousness rejection over the Peterson reference.